



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 14-002

AN ORDER to repeal and recreate chapters N 2 and 3, relating to nurse licensure and examining councils.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

01-10-2014 RECEIVED BY LEGISLATIVE COUNCIL.

02-10-2014 REPORT SENT TO AGENCY.

JKR:CB

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☒ NO ☐

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☒ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☒ NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



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Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

1. Statutory Authority

a. In s. N 2.21 (3), what is a limited license? Under what authority does the proposed rule make a limited license available to an applicant?

b. Section N 2.32 (3) allows a registered nurse or practical nurse for licensure by endorsement who is granted a temporary permit to use the title “registered nurse” or “licensed practical nurse”. However, ss. 441.06 (4) and 441.10 (3) (c), Stats., require that a registered nurse or practical nurse be licensed to use such titles but provide an exception for nurses licensed by a nurse licensure compact state. Under what authority does the proposed rule allow an individual with a temporary permit but who is not licensed as a registered nurse or practical nurse by a nurse licensure compact state to use the title “registered nurse” or “licensed practical nurse”?

2. Form, Style and Placement in Administrative Code

c. In SECTION 1, “Chapter” in the title of ch. N 2 should be replaced with “CHAPTER”. [s. 1.05 (2) (a), Manual.]

d. In SECTION 1, the agency should insert a subchapter title before s. N 2.01. For example, the title could read “SUBCHAPTER I. AUTHORITY; DEFINITIONS”. [s. 1.05 (2) (a), Manual.] The other subchapters in ch. N 2 should be numbered in the following manner:

(1) SUBCHAPTER II. LICENSURE BY EXAMINATION

(2) SUBCHAPTER III. LICENSURE BY ENDORSEMENT

(3) SUBCHAPTER IV. TEMPORARY PERMITS

e. Section N 2.11 (3) (intro.) should be rewritten as introductory material, as outlined in s. 1.03 (3), Manual. This comment also applies to s. N 2.12 (3) (intro.).

f. In s. N 2.20, the first sentence should be numbered sub. (1) and the remaining subsections should be numbered subs. (2) to (5).

g. The agency might consider including an initial applicability clause in the proposed rule. [s. 1.02 (3m), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the rule analysis, the references to s. 441.04, Stats., should be removed. That statutory section does not exist.

b. In the rule analysis, statutes should be referenced using "Stats.", rather than "Wis. Stats.". [s. 1.07 (2), Manual.]

c. Throughout the proposed rule, when referring to a "fee", the rule should include a reference to the statute or administrative code section that contains the fee.

d. In s. N 2.01, ", Stats" should be inserted before the period at the end of the section. [s. 1.07 (2), Manual.]

e. In s. N 2.10 (1) (b), ", Stats" should be inserted before the period at the end of the paragraph. [s. 1.07 (2), Manual.] This comment also applies to s. N 2.10 (2) (b).

f. In s. N 2.11 (5), "ch." should be inserted before "N 7". [s. 1.07 (2), Manual.] This comment also applies to ss. N 2.12 (5), 2.20 (3), and 2.21 (2) (f).

g. In s. N 2.20 (intro.), "under s. 441.50, Stats." should be inserted after "compact".

h. In s. N 2.34, "s. 2.35" should be replaced with "s. N 2.35". [s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Throughout the proposed rule, "Board" should not be capitalized. [s. 1.01 (4), Manual.]

b. In s. N 2.02 (intro.), the period at the end of the provision should be replaced with a colon.

c. In s. N 2.02 (2) (intro.), a hyphen should be inserted between "Board" and "approved". The agency should review the proposed rule for other instances in which a hyphen should be inserted in the phrase "board approved".

d. In s. N 2.02 (2) (b), what is the "electronic application process"? The agency might consider defining this phrase in s. N 2.02.

e. In s. N 2.02 (3), "Approval" should not be capitalized. [s. 1.01 (4), Manual.] This comment also applies to "Completion" in s. N 2.02 (4).

f. Section N 2.02 (3) defines "certificate of approval" as an action by a nursing school. However, it would be clearer to use the following, or similar, language: "verification from a school of nursing that the applicant has been approved to take the NCLEX prior to receiving a diploma in practical nursing or professional nursing.". A similar comment also applies to s. N 2.02 (4).

g. In s. N 2.02 (5) (c), "is" should be inserted between "which" and "approved".

h. Section N 2.02 (8) and (10) should be removed. The proposed rule does not use the acronyms "LPN" and "RN", so they should not be defined.

i. In s. N 2.10 (1) (intro.), "as a registered nurse" should be inserted after "licensure", and "complies with all of the following requirements" should be inserted before the colon. [s. 1.03 (3), Manual.] This comment also applies to s. N 2.10 (2) (intro.), except that the subsection should reference licensure as a licensed practical nurse.

j. In s. N 2.10 (1) (a), "Graduated" should be replaced with "Graduates". This comment also applies to s. N 2.10 (1) (c) (intro.) and (2) (c) (intro.).

k. In s. N 2.10 (1) (a), a period should replace the semicolon. [s. 1.03 (4), Manual.] This comment also applies to s. N 2.10 (2) (a).

l. In s. N 2.10 (1) (c), the following text appears to be misplaced: "or submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation.". This comment also applies to s. N 2.10 (2) (c).

m. In s. N 2.10 (2), should a requirement that the applicant be 18 years of age or older be included in that subsection to mirror the requirement of s. 441.10 (3) (a) 1., Stats.?

n. In s. N 2.11 (1), "from a board-approved school" should be inserted after "applicant", and "shall" should be inserted before "pay".

o. In s. N 2.11 (2) (a), "person" should be replaced with "applicant".

p. Throughout s. N 2.11 (3), the agency might consider replacing "examination" with "NCLEX". This comment also applies to s. N 2.12 (3).

q. In s. N 2.11 (3) (b), the paragraph should specify who "the notice of eligibility is received" by. This comment also applies to s. N 2.12 (3) (b).

r. In s. N 2.12 (1), "from a comparable school" should be inserted after "applicant".

s. In s. N 2.12 (3) (b), the first sentence should be removed because it repeats similar language in s. N 2.12 (3) (a) (intro.).

t. In s. N 2.20 (1), "The applicant" should be replaced with "An applicant from a nurse licensure compact state".

u. In s. N 2.21 (1) (a), "another U.S. state, territory" should be replaced with "a U.S. state that has not adopted the nurse licensure compact under s. 441.50, Stats., a U.S. territory".

v. In s. N 2.21 (1) (a) 1., "Graduated" should be replaced with "Graduation".

w. In s. N 2.21 (1) (a) 2., "Passed" should be replaced with "Passage of".

x. In s. N 2.21 (1) (b) (intro.), "determine" should be replaced with "the board to assist the board in determining".

y. In s. N 2.21 (3), "five" should be replaced with "5". [s. 1.01 (5), Manual.]

z. In s. N 2.33 (1), "The" should be replaced with "Except as provided in sub. (2), the". In addition, "a" should be inserted before "registered nurse".

aa. Section N 2.33 (2) should be rewritten for clarity. For example, it could read: "A holder of a temporary permit who is currently licensed as a registered nurse or practical nurse in another jurisdiction may practice without the direct supervision of a registered nurse."

bb. In s. N 2.34, "three" should be replaced with "3". [s. 1.01 (5), Manual.] In addition, "is shorter" should be replaced with "occurs first", and a comma should be inserted after "2.35".

cc. In s. N 3.01, "duties of the" should be removed.

dd. Section N 3.02 (3) should read: "The board shall appoint nominees from submitted nominations."

ee. In s. N 3.03, "registered nurse council" should be replaced with "registered nurses council".

ff. Throughout ss. N 3.03 and 3.04, numbers should be expressed using Arabic numerals, except that numbers at the beginning of a sentence and the number "one" are spelled out. [s. 1.01 (5), Manual.]

gg. In s. N 3.04 (2) (intro.), "is" should be replaced with "are".

hh. In s. N 3.04 (2) (b), "nurses" should be replaced with "nurse".